

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

XAVIER F. PAYNE,

Plaintiff,

v.

JEREMY McNEAL,

Defendant.

Case No. 23-cv-11026

Honorable Robert J. White

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND DENYING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

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Before the Court is Magistrate Judge Kimberly G. Altman's February 4, 2025 report and recommendation. (ECF No. 35). The report recommended that the Court deny Defendant Jeremy McNeal's motion for summary judgment. (ECF No. 29). None of the parties objected to the report and recommendation pursuant to Fed. R. Civ. P. 72(b)(2).

The Court had an opportunity to fully review the matter and believes that the magistrate judge reached the correct conclusions for the appropriate reasons. Accordingly,

IT IS ORDERED that the magistrate judge's February 4, 2025 report and recommendation (ECF No. 35) is hereby accepted and adopted.

IT IS FURTHER ORDERED that McNeal's motion for summary judgment (ECF No. 29) is denied.

Dated: March 4, 2025

s/Robert J. White

Robert J. White

United States District Judge